



March 27, 2015

Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Billed Entity Name: Lawrence Public Schools
Form 471 Application Number: 920956
Billed Entity Number: 120387
FCC RN: 0012038402
Funding Request Number: 2513117

CC Docket No. 02-6

In the matter of Request for Review by Lawrence Public Schools of Decision of Universal Service Administrator.

This letter is a request for a waiver of the prior-existing FCC rule which required E-Rate applicants to have a signed contract in place before filing an application for E-Rate support. This is submitted in response to the Administrator's Decision on Appeal - Funding Year 2013-2014 (Attachment C) submitted for the above-mentioned Funding Request Number (FRN). The waiver is being requested to allow the signature date on the contract in question to be changed to the correct date services were actually accepted. We would like for the decision to deny funding for the above mentioned FRN to be overturned to allow the applicant to be awarded funding for their eligible Internet related services. The FCC has previously indicated that a "waiver of the Commission's rules is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest." We believe such special circumstances exist and that the waiver will serve the school and the community.



On the original Funding Commitment Report dated September 25, 2014, it was noted that the school district did not properly comply with contract award or competitive bidding requirements. Lawrence Public Schools respectfully disagrees with this decision and would like the opportunity to provide documentation that will hopefully overturn the denial issued on the Funding Commitment Report. The denial was based on the following language in the report:

"The Contract Award Date was changed from 3/11/2013 to 3/14/2014 to agree with the documentation provided during review of the FCC Form 471. FCC Rules require that a contract be signed and dated by the applicant prior to the filing of the FCC Form 471 for the products and services requested. This requirement was not met."

The awarding of the Internet services agreement to the Center for Educational Leadership and Technology (CELT) for the July 2013-June 2014 program year was officially made on 3/11/ 2013 after a meeting between Lawrence Public Schools and CELT. The specifics of this meeting and the subsequent contract award information was presented to Nina Krishnan of the Schools & Libraries Division on 6/19/2014 and is also attached for your review (Attachment A). In addition, several emails identifying meetings on 3/8/2013 and 3/11/2013 have also been included for your reference (Attachment B). As you can see from the attachments, the pricing for CELT's services was formally accepted by the Assistant Superintendent and Director of Information Systems & Technology at Lawrence Public Schools on 3/11/2013. Additionally, correspondence has been included from 3/12/2013 which shows that the district reached out to CELT for tax form information so that they could receive payment for services as the selected vendor. Such forms would not be requested from a vendor that was not selected to do business with the district. The date transferred onto the service order was a clerical error and the date originally entered on the Form 471 under the Contract Award Date for this FRN was the correct date of 3/11/2013. Therefore we would like to respectfully request that the reviewer's decision to change the Contract Award Date to 3/14/2013 be overturned and the award date of 3/11/2013 be accepted as the true and official date the contract was awarded for E-rate purposes.



Presently, USAC can process requests to correct ministerial and clerical (M&C) errors up until the time that a Funding Commitment Decision Letter (FCDL) is issued. The change of this particular contract award date was made by a Special Compliance Review performed after the Program Integrity Assurance (PIA) process and after the issuance of the FCDL, thus leaving no remedy under FCC rules to correct the clerical error caught after the FCDL had been awarded. Had the error been caught during the PIA process, the school would have been able to correct it under the "ministerial and clerical errors" provision (FCC Order 11-60). Footnote 12, in particular, states that many more examples of correctable errors are found in an earlier FCC appeal Order *Ann Arbor Public Schools, et al* (DA 10-2354). If the date had been shown incorrectly on the Form 471 Receipt Acknowledgment Letter the applicant would have been allowed to correct the M&C error so we ask that you allow the date that was incorrectly written on the contract to be corrected as well.

It must also be noted that, after posting a Form 470 for Internet services, the applicant did not receive any vendor responses. Due to receiving no bids, the district opted to select a vendor from an eligible state contract and ultimately purchased CELT's services using state contract, ITT46. Since state contract ITT46 is an award to multiple vendors, the vendor selection was made after a mini-bid evaluation process. The state filed a Form 470 for all public schools and libraries to use so that an individual bidding process on a separately filed Form 470 would not be necessary and the schools would still adhere to state procurement laws. The state performed its own evaluation of all responding vendors and awarded an official contract to each winning vendor. This state contract is between the awarded vendors and Massachusetts and not with the individual schools/libraries. State contract ITT46 was officially awarded by the state on Contract Award Date 9/19/2012 (470# 110350000864310). State contract ITT46 sets the "material terms and conditions" of all agreements executed under it and the district's actions satisfied state requirements for services to be procured under ITT46.

In addition, permitting this waiver would serve the public interest. Lawrence Public Schools provides Internet access to a student population that would not otherwise have the opportunity to easily



have access to the Internet at home or in other public locations. Additionally, the denial of funding has forced the City to pull funding from other educational priorities in order to supply Internet access to all schools, thus putting a halt to initiatives for advancement within the City of Lawrence. This harms everyone within the community and not just the students. It's also important to note that over 90% of Lawrence Public School students qualify for free or reduced lunch which is among the highest rate of low income in the Commonwealth.

As you can see from the details outlined in this letter and the supplemental attachments, Lawrence Public Schools performed a proper bid evaluation, complying with E-rate and state procurement policies, and simply made a clerical error on the service order and would, therefore like to respectfully request a waiver of the rule that previously existed which required applicants to have a signed contract in place before filing an application for E-Rate support. This would allow funding to be received for the district's eligible Internet related services and will benefit the schools within the district and the community as a whole. The implementation of the new contract signing rules under the E-rate Modernization Order highlights the need to resolve the sometimes unrealistic expectations of the previous contract signing requirements.

Thank you for your review and consideration of our Letter of Appeal requesting a waiver. Should you require additional information please do not hesitate to contact me.

Warmest regards,

Long Nguyen
Director of Information Systems & Technology
Lawrence Public Schools